

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

JOSEPH PARANTEAU,

Petitioner,

vs.

PAT MCTIGHE; STATE OF
MONTANA; ATTORNEY GENERAL
OF THE STATE OF MONTANA,

Respondents.

CV 19-77-GF-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE’S FINDINGS AND
RECOMMENDATIONS**

Petitioner Joseph Paranteau (“Paranteau”) filed this action under 28 U.S.C. § 2254. (Doc. 1.) Paranteau pleaded guilty in Montana State District Court to criminal endangerment, a felony, in violation of § 45-5-207, MCA. (Doc. 5 at 2.) The state court sentenced Paranteau to ten years at the Montana State Prison. (*Id.*) Paranteau argues in his habeas claim that the charge he pleaded guilty to was only a misdemeanor, if even that. (Doc. 1 at 4.) Paranteau also argues that he did not receive the plea agreement that the County Attorney promised, which contained a five-year commitment to the Montana Department of Corrections, with all time suspended. (*Id.* at 5.)

United States Magistrate Judge John Johnston issued Findings and Recommendations on February 12, 2020. (Doc. 5.) Judge Johnston recommended that the Court deny Paranteau's claims because Paranteau has not established a federal constitutional violation. (*Id.* at 5, 12.) Judge Johnston notified Paranteau that he had 14 days to object to the Findings and Recommendations. (Doc. 5 at 12-13.)

Paranteau has not filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none, **IT IS ORDERED** that:

1. Judge Johnston's Findings and Recommendations (Doc. 5) are **ADOPTED IN FULL**.
2. Paranteau's Petition (Doc. 1) is **DENIED**.

3. The Clerk of Court is directed to enter judgment in favor of Respondents and against Petitioner.

4. A certificate of appealability is **DENIED**. The Clerk of Court is directed to have the docket reflect that the Court certifies, pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure, that any appeal of this decision would not be taken in good faith. Paranteau has not made a substantial showing that he was deprived of a constitutional right. Reasonable jurists would find no basis to encourage further proceedings at this time.

DATED this 27th day of February, 2020.



Brian Morris
United States District Court Judge